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U. S. DISTRICT COURT  
DISTRICT OF NEBRASKA

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HOLLY L. LONG

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DEWAYNE KEITH LONG, JR., HOLLY L.  
LONG,

Plaintiffs,

vs.

DEWAYNE KEITH LONG, SR., and DOES  
1 Through 100, Inclusive,

Defendants.

CASE NO.: 8:15CV243

COMPLAINT FOR:

1. Declaratory relief;
2. Preliminary and Permanent Injunctions;
3. Conversion;
4. Fraud, Misrepresentation, and Concealment;
5. International and Negligent Interference with Economic Advantage;
6. Violation of Fair Credit Reporting Act (FCRA);
7. Violation of California Identity Theft and Privacy Rights Statutes

Assigned Judge:

Complaint Filed on

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## COMPLAINT

Plaintiffs, DEWAYNE KEITH LONG, JR. ("**Plaintiff. DL**"), and HOLLY L. LONG, ("**Holly**"), husband and wife, (hereinafter collectively referred to as "**Plaintiffs**") appearing through their undersigned counsel, for their Complaint against Defendant, DEWAYNE KEITH LONG, SR. ("**Defendant, Senior**"), allege the following:

### NATURE OF ACTION

1. This is an action for conversion, intentional interference with existing and prospective economic advantage, fraud, misrepresentation, invasion of right of privacy, invasion of right of privacy, false light, breach of fiduciary duty, identity theft, preliminary and permanent injunctions, and a declaratory judgment pursuant to the federal Declaratory Judgment Act, 28 U.S.C. §2201, *et seq.*, to resolve an actual case or controversy that has arisen between Plaintiff and Defendant, Senior. Defendant, Senior has assumed complete Plaintiff, DL's personal identity and has been using Plaintiff, DL's name and social security to fraudulently obtain credit, file fraudulent bankruptcy petitions, entered into fraudulent agreements and defaulting on his obligations, causing false and incarnate credit reports to be reported against Plaintiff, presenting Plaintiff in a false light, causing judgments to be entered against Plaintiff, without his knowledge and consent. Defendant, Senior has been maintaining business relationship with others under assumed identify that belongs to Plaintiff, without Plaintiff, DL's knowledge and consent. As Plaintiff, DL's biological father, Defendant, Senior was entrusted with Plaintiff, DL's private and personal information such as social security, address, age, employment information, banking information, residency information and others. Defendant, Senior was never authorized to use any part of Plaintiff, DL's information or to assume Plaintiff, DL's identity. Defendant, Senior committed fraud by using Plaintiff, DL's identifying information, such as date of birth, social security number, credit account numbers. Defendant, Senior obtained credit in Plaintiff, DL's name, obtained consumer loans, bank loans, filed bankruptcies, obtained utility services, furniture loans, cell phone services, or similar illegal conducts, in the "true name" and identity of Plaintiff. Defendant, Senior has been representing

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himself as Plaintiff and using Plaintiff, DL's personal identifying information to defraud creditors and obtained unlawful loans and credit. Defendant, Senior misappropriated and converted Plaintiff, DL's personal and private information for his own personal use and enjoyment and to the detriment of Plaintiff. Plaintiff was unaware of Defendant, Senior's unlawful identify theft and its associated unlawful activities that have been committed by Defendant, Senior until recently. Defendant, Senior has wrongfully misappropriated and used identity of Plaintiff, to defraud the general public and misappropriate large sums of money from unsuspecting creditors, filing fraudulent bankruptcies under the assumed identity of Plaintiff. Defendant, Senior is also engaged in conversion; intentional interference with existing and prospective economic advantage, fraud, misrepresentation, invasion of right of privacy, invasion of right of privacy, false light, breach of fiduciary duty, identity theft, which would permit preliminary and permanent injunctions, and a declaratory judgment pursuant to the federal Declaratory Judgment Act, 28 U.S.C. §2201, *et seq.*, issue and preventing Defendant, Senior from ever assuming, manipulating Plaintiff, DL's identity, using, pretending to be, or ever presenting himself as Plaintiff, in any form or way whatsoever. Plaintiff, DL and Holly are married and all credit information are reported and published jointly and severely.

## THE PARTIES

1. Plaintiff, Dwayne Keith Long, Jr., ("**Plaintiff, DL**") is an individual who resides in Orange County, California.

2. Plaintiff, Holly L. Long ("**Holly**") is an individual who resides in Orange County, California.

3. Plaintiff, DL and Holly are husband and wife (hereinafter collectively they are referred to as ("**Plaintiffs**").

4. Plaintiff is informed, believes, and on that basis alleges that Defendant, Dwayne Keith Long, Sr., ("**Defendant, Senior**") resides at 4726 North 167 Ave., Omaha, Nebraska 68116. At the present time, Defendant, Senior is incarcerated at Federal Correctional Center, moving to

1 various Federal Correctional Centers. However, Defendant, Senior is a permeant resident and  
2 domiciled in Omaha, Nebraska.

3 5. Plaintiff does not know the true names and capacities whether corporate, partnership,  
4 agent, servant, employee, partner, joint venturer, surety, associate, individual or otherwise of  
5 Defendants sued herein as DOES 1 through 100, Inclusive. Plaintiff is informed, believes, and on  
6 that basis alleges that Defendants DOES 1 through 100, Inclusive, are in some manner responsible  
7 for the acts, occurrences and transactions set forth herein, and are legally liable to Plaintiff. Plaintiff  
8 will seek leave to amend this Complaint to set forth the true names and capacities of said fictitiously  
9 named defendants together with appropriate charging allegations when ascertained.

## 10 11 JURISDICTION AND VENUE

12 6. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §2201 *et seq.*, which  
13 authorizes the Court to declare the rights, identifying personal information, and other legal relations  
14 between interested parties; 28 U.S.C. §1338, which provides for subject matter jurisdiction for  
15 claims arising under the United States Federal Credit Reporting Act, 15 U.S.C. §1681 *et seq.*; 28  
16 U.S.C. §1331, which provides for subject matter jurisdiction in cases that raise federal questions; 28  
17 U.S.C. §1332, which provides for subject matter jurisdiction in cases where there is diversity of  
18 citizenship between the parties and the amount in controversy exceeds the sum or value \$75,000.00,  
19 exclusive of interest and costs. In addition, this Court has supplemental jurisdiction pursuant to 28  
20 U.S.C. §1367(a) over all claims set forth herein that do not arise under federal law since those  
21 claims are related claims within the meaning of this section and are therefore within the Court's  
22 original jurisdiction.

23 7. Plaintiff, Holly's claims are transactionally related to Plaintiff, DL's claims. The  
24 court has supplemental jurisdiction over all Plaintiffs with transactionally-related claims. There is  
25 complete diversity between all Plaintiffs and all defendants, and are citizens of different States  
26 within the meaning of 28 U.S.C. §1332. The amount in controversy exceeds the sum or value of  
27  
28



1 \$75,000, exclusive of interest and costs.

2 8. A substantial part of the events giving rise to the claims asserted herein occurred  
3 within this District. A substantial part of the property that is the subject of this action is situated in  
4 this District. Thus, venue is proper in this District pursuant to 28 U.S.C. §1391(b).

5 9. This Court has personal jurisdiction over Defendants, Senior, and DOES 1 through  
6 20 others, because he has had minimum contacts with this forum and has purposefully availed  
7 himself of the laws and benefits of the forum, such that the exercise of jurisdiction over Defendants,  
8 Senior, and DOES 1 through 20, does not offend traditional notions of fair play and substantial  
9 justice.

#### 10 11 12 **PRIOR CIVIL ACTION**

13  
14 10. On May 16, 2014, following discovery of Defendant, Senior's wrongful conducts,  
15 Plaintiffs, prepared and filed a civil action against Defendant, Senior with the United States District  
16 Court, Central District of California, Case Number 8:14-cv-00758 CJC (JCGx), (hereinafter  
17 referred to as '**Prior Civil Action**').

18 11. Defendant, Senior, promptly appeared in the Prior Civil Action, and engaged in  
19 filing motions, discoveries, and defense of the Prior Civil Action.

20 12. In or about May of 2015, Defendant, Senior filed his motion to dismiss the Prior  
21 Civil Action for lack of personal jurisdiction.

22 13. On June 10, 2015, the court granted Defendant, Senior's motion and dismissed  
23 Plaintiffs' Motion for Summary Judgment without prejudice.

#### 24 25 26 **CRIMINAL ACTION**

27  
28 14. Defendant, Senior has been the subject of two (2) separate indictments, for various

1 criminal activities, which included but not limited to defrauding International Revenue Service  
2 (“IRS”) and obtaining \$440,924.00 by means of filing false and fraudulent income taxes using other  
3 individuals’ identities. The criminal charges against Defendant, Senior were filed with the United  
4 States District Court, District of Nebraska, Case Number 8:13-CR-347-002 (hereinafter referred to  
5 as “**Criminal Action**”).

6 15. On January 9, 2015, Defendant, Senior was convicted of Conspiracy to defraud  
7 Government, and the court imposed confinement of twelve months and one day, and ordered  
8 Defendant, Senior to pay \$100.00 plus, restitution of \$920,954.00, plus \$440.924.00 in restitution  
9 payable to IRS.

10 16. During the entire process of both indictments Defendant, Senior used a wrong name  
11 that is commonly associated with Plaintiff, DL. All records in the Criminal Action use the name  
12 “Dewayne Keith Long,” instead of “Dewayne Keith Long, Sr.” A true and correct copy of the  
13 Judgment in the Criminal Case is attached as Exhibit A.

14 17. Defendant, Senior purposefully used a name to expressly and impliedly attribute  
15 criminal records, confinement, restitutions, penalties and all fees due and payable to Plaintiff, DL.

16 18. There has NEVER been any allegations of any wrongdoing (Criminal or Civil)  
17 against Plaintiff, DL, except for the judgments, liabilities, and wrongful conducts of Defendant,  
18 Senior using Plaintiff, DL’s identity.

## 21 **FACTUAL BACKGROUND**

22  
23 19. Plaintiff, DL is biological son of Defendant, Senior.

24 20. Plaintiff, DL and Defendant, Senior share similar names, except for Plaintiff, DL is  
25 identified as “Junior,” by writing “JR.” at the end of his name, (“Dewayne Keith Long, Jr.”).

26 21. Defendant, Senior’s name has always been identified by writing “SR.” at the end of  
27 his name, (“Dewayne Keith Long, Sr.”).

28 22. In or about August of 2013, Plaintiffs and their family began inquiring into

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1 purchasing a home in Orange County, California. In effort to determine, their loan qualification,  
2 Plaintiffs inquired into various home loan programs and their requirements for qualifications for  
3 credit to obtain a home loan. Upon further investigation, Plaintiffs became aware that there  
4 derogatory credit information, bankruptcies filings, judgments, liens and other severe adverse credit  
5 information reported to credit reporting agencies against Plaintiffs.

6 23. Initially, Plaintiffs believed that there was a mistake in processing the credit  
7 information using incorrect social security numbers for Plaintiffs.

8 24. Upon further investigation, it became evident that Defendant, Senior was using  
9 Plaintiff, DL's identifying information, such as date of birth, social security number, credit account  
10 numbers. Defendant, Senior obtained credit in Plaintiff, DL's name, obtained consumer loans, bank  
11 loans, filed bankruptcies, obtained utility services, furniture loans, cell phone services, or similar  
12 illegal conducts, in the "true name" and identity of Plaintiff. Defendant, Senior has been  
13 representing himself as Plaintiff and using Plaintiff, DL's personal identifying information to  
14 defraud creditors and obtained unlawful loans and credit. Defendant, Senior misappropriated and  
15 converted Plaintiff, DL's personal and private information for his own personal use and enjoyment  
16 and to the detriment of Plaintiff. Plaintiff was unaware of Defendant, Senior's unlawful identify  
17 theft and its associated unlawful activities that have been committed by Defendant, Senior until  
18 recently. Defendant, Senior has wrongfully misappropriated and used identity of Plaintiff, to  
19 defraud the general public and misappropriate large sums of money from unsuspecting creditors,  
20 filing fraudulent bankruptcies under the assumed identity of Plaintiff.

21 25. Plaintiffs' investigation further revealed that Defendant, Senior had filed two (2)  
22 bankruptcies, using Plaintiff, DL's identifying information. As of the date of this pleading, neither  
23 Plaintiffs has ever filed any petition for relief under the United States Bankruptcy Code.

24 26. Plaintiffs further discovered that Defendant, Senior has obtained consumer loans  
25 under "true name" and identifying information (birthdate, employment social security number, bank  
26 information, etc.) to secure many consumer loans, credit cards, furniture loans, other personal loans  
27 and defaulted on every credit account that Defendant, Senior obtained in "true name" and identity  
28 of Plaintiff, DL. As of present, many creditors have filed legal action against Plaintiff, DL,

1 however, they served Defendant, Senior with the service of process. Plaintiffs were never aware  
 2 that any legal action was ever pending against them. In virtually all cases, creditors have obtained  
 3 judgments against Plaintiff, DL. A partial list of creditors that have obtained judgments against  
 4 Plaintiff, DL and reported against Plaintiffs' credit information is as follows:

Creditors (Claimants)	Type	Amount of Judgment/Lien
1- HBL, Inc.	Loan	\$35,000.00 Approximately
2- Discover Bank	Credit Card	\$ 8,520.00
3- Nebraska Furniture Mart, Inc. (1st Loan)	Furniture Loan	\$14,356.00
4- Citifinancial, Inc., M.D.	Loan	\$13,350.00
5- American General Financial Svcs	Unknown	\$12,707.00
6- Nebraska Furniture Mart, Inc. (2 <sup>nd</sup> Loan)	Furniture Loan	\$11,780.00
7- There are more judgments that have yet to be authenticated.		

20 27. Plaintiffs have had NO dealings with any of the aforementioned creditors and/or  
 21 have never obtained any credit account from any of the aforementioned creditors.

22 28. Based on all derogatory and negative credit information reported against Plaintiffs'  
 23 credit, Plaintiffs would NOT qualified for low interest rate financing to purchase their home. The  
 24 increase in the mortgage rate is in excess of \$500,000 over the life of the loan, which has become  
 25 prohibitive for Plaintiffs to purchase a home.

## 26 HISTORY OF PARTIES



1  
2 29. Plaintiff, DL and Holly are married and reside in Orange County, California.

3 30. Defendant, Senior is biological further of Plaintiff, DL. As a close family member,  
4 Defendant, Senior was entrusted with Plaintiff, DL's identifying information, such as social security  
5 number, former addresses, date of birth, employment, banking information, and others.

6 31. Defendant, Senior has been using other living and dead people's identities to obtain  
7 credit, file bankruptcies, conduct business, and engage in unlawful and fraudulent activities.

8  
9  
10 **COUNT I – DECLARATORY JUDGMENT**

11 **As to Defendants, Senior, and DOES 1-20**

12  
13 32. Plaintiffs hereby incorporate by reference herein each and every allegation set forth  
14 in paragraphs 1 through 22 inclusive, as though fully set forth herein.

15 33. Despite lacking any basis in fact or law for using Plaintiff, DL's identity to obtain  
16 loans, conduct business, file fraudulent bankruptcies, obtained utility and other services.

17 34. Defendant, Senior committed fraud by using Plaintiff, DL's identifying information,  
18 such as date of birth, social security number, credit account numbers. Defendant, Senior obtained  
19 credit in Plaintiff, DL's name, obtained consumer loans, bank loans, filed bankruptcies, obtained  
20 utility services, furniture loans, cell phone services, or similar illegal conducts, in the "true name"  
21 and identity of Plaintiff. Defendant, Senior has been representing himself as Plaintiff and using  
22 Plaintiff, DL's personal identifying information to defraud creditors and obtained unlawful loans  
23 and credit. Defendant, Senior misappropriated and converted Plaintiff, DL's personal and private  
24 information for his own personal use and enjoyment and to the detriment of Plaintiff.

25 35. Plaintiff, Identity and personal information are protected rights that are further  
26 protected by right of privacy.

27 36. Defendant, Senior has used Plaintiff, DL's "true name" and identifying information  
28 obtain fraudulent credit, filed bankruptcies,, obtained utilities and other services, and conduct

1 business as if Defendant, Senior was Plaintiff, DL and that false and erroneous information are  
2 reported and published by and to creditors, credit agencies and general public and published as  
3 Plaintiffs' obligations, filings, presenting Plaintiffs in a false light.

4 37. Defendant, Senior's fraudulent conducts, as set forth herein, show that there is a  
5 substantial controversy between parties having adverse legal interests, of sufficient immediacy and  
6 reality to warrant the issuance of a declaratory judgment.

7 38. Defendant, Senior's fraudulent conducts and identity theft of Plaintiff, DL, as set  
8 forth herein, have caused harm to and a cloud of uncertainty over Plaintiffs, their businesses, their  
9 private lives, that makes them in need of a declaration that Defendant, Senior is NO manner  
10 authorized to use in any way whatsoever, Plaintiff, DL's "true name," his identifying information,  
11 social security number, employment, driver license number, former addresses, and/or any  
12 information of any kind or type whatsoever, related to Plaintiff, DL.

13 39. Defendant, Senior's fraudulent conducts and identity theft of Plaintiff, DL, as set  
14 forth herein, have caused harm to and a cloud of uncertainty over Plaintiffs, their businesses, their  
15 private lives, that makes them in need of a declaration that all financial obligations of any kind or  
16 type that Defendant, Senior has ever incurred in the "true name," and identity of Plaintiff, DL,  
17 belong to Defendant, Senior and Plaintiffs are NOT responsible for any portion of any obligations  
18 that Defendant, Senior has incurred, as set forth herein and the creditors and credit reporting  
19 agencies, must accurately report the obligations and/or adverse credit information under Defendant,  
20 Senior's name only.

21 40. Defendant, Senior's fraudulent conducts and identity theft of Plaintiff, DL, as set  
22 forth herein, have caused harm to and a cloud of uncertainty over Plaintiffs, their businesses, their  
23 private lives, that makes them in need of a declaration that any and all bankruptcy filings that were  
24 ever filed by Defendant, Senior using "true name," and identity of Plaintiff, DL, belong to  
25 Defendant, Senior and Plaintiffs are NOT responsible for any bankruptcy filing and clerks of the  
26 bankruptcy courts should correct the records to reflect true identity of Defendant, Senior and  
27 remove Plaintiff, DL's "true name" and identifying information, as well as ordering all credits and  
28 credit reporting agencies to remove any and all bankruptcy filings that have been reported and

1 published against Plaintiffs.

2 41. The criminal judgment entered on January 9, 2015, and signed on January 14, 2015,  
3 is against Defendant, Dewayne Keith Long, Sr., and that any and all confinements, restitutions, fees,  
4 penalties due and payable under the criminal judgment is/are due and payable and obligations of  
5 Defendant, Dewayne Keith Long, Sr., that any and all records reflecting the name Dewayne Keith  
6 Long, in the Criminal Action, be corrected to reflect Defendant, Dewayne Keith Long, Sr., and his  
7 true name.

8 42. Defendant, Senior has reported and represented to various reporting agencies that the  
9 name "Dewayne Keith Long, Sr." as a deceased person. There should be a declaratory relief,  
10 declaring, "Dewayne Keith Long, Sr." as alive and Defendant, Senior be required to use his true  
11 name of "Dewayne Keith Long, Sr." for the remainder of his actual life.

12 43. Defendant, Senior's fraudulent conducts and identity theft of Plaintiff, DL, as set  
13 forth herein, have caused harm to and a cloud of uncertainty over Plaintiffs, their businesses, their  
14 private lives, that makes them in need of a declaration that any and all bankruptcy filings that were  
15 ever filed by Defendant, Senior using "true name," and identity of Plaintiff, DL, belong to  
16 Defendant, Senior and Plaintiffs are NOT responsible for any bankruptcy filing and clerks of the  
17 bankruptcy courts should correct the records to reflect true identity of Defendant, Senior and  
18 remove Plaintiff, DL's "true name" and identifying information, as well as ordering all credits and  
19 credit reporting agencies to remove any and all bankruptcy filings that have been reported and  
20 published against Plaintiffs.

21 44. In addition, a declaration that Plaintiff, DL has NO obligation to pay any of the  
22 demand, invoices and/or request for payments from any creditors who had extended credit and/or  
23 provided goods and services to Defendant, Senior, under the "true name" and identity of Plaintiff,  
24 DL.

25 45. In addition, a declaration that Defendant, Senior has violated Plaintiff's inalienable  
26 privacy rights, rights to their identifying information, personal and property rights granted under the  
27 United States and California Constitutions.  
28

**COUNT II – PRELIMINARY AND PERMANENT INJUNCTIONS**

**As to Defendants, Senior, and DOES 1-20**

46. Plaintiffs hereby incorporate by reference herein each and every allegation set forth in paragraphs 1 through 33 inclusive, as though fully set forth herein.

47. Despite lacking any basis in fact or law for using Plaintiff, DL's identity to obtain loans, conduct business, file fraudulent bankruptcies, obtained utility and other services.

48. Defendant, Senior committed fraud by using Plaintiff, DL's identifying information, such as date of birth, social security number, credit account numbers. Defendant, Senior obtained credit in Plaintiff, DL's name, obtained consumer loans, bank loans, filed bankruptcies, obtained utility services, furniture loans, cell phone services, or similar illegal conducts, in the "true name" and identity of Plaintiff. Defendant, Senior has been representing himself as Plaintiff and using Plaintiff, DL's personal identifying information to defraud creditors and obtained unlawful loans and credit. Defendant, Senior misappropriated and converted Plaintiff, DL's personal and private information for his own personal use and enjoyment and to the detriment of Plaintiff.

49. Plaintiff, Identity and personal information are protected rights that are further protected by right of privacy.

50. Defendant, Senior has used Plaintiff, DL's "true name" and identifying information obtain fraudulent credit, filed bankruptcies, obtained utilities and other services, and conduct business as if Defendant, Senior was Plaintiff, DL and that false and erroneous information are reported and published by and to creditors, credit agencies and general public and published as Plaintiffs' obligations, filings, presenting Plaintiffs in a false light.

51. Defendant, Senior's fraudulent conducts, as set forth herein, show that there is a substantial controversy between parties having adverse legal interests, of sufficient immediacy and reality to warrant the issuance of a declaratory judgment, Preliminary and Permanent injunctions.

52. Defendant, Senior's fraudulent conducts and identity theft of Plaintiff, DL, as set forth herein, have caused harm to and a cloud of uncertainty over Plaintiffs, their businesses, their

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1 private lives, that makes them in need of a declaration that Defendant, Senior is NO manner  
 2 authorized to use in any way whatsoever, Plaintiff, DL's "true name," his identifying information,  
 3 social security number, employment, driver license number, former addresses, and/or any  
 4 information of any kind or type whatsoever, related to Plaintiff, DL Preliminary and Permanent  
 5 Injunctions should issue to enjoin Defendant, Senior, creditors, credit agencies, and others from  
 6 reporting, publishing, declaring, and/or disseminating any information relating any of Defendant,  
 7 Senior's conducts to Plaintiffs.

8 53. Defendant, Senior's fraudulent conducts and identity theft of Plaintiff, DL, as set  
 9 forth herein, have caused harm to and a cloud of uncertainty over Plaintiffs, their businesses, their  
 10 private lives, that makes them in need of a declaration that all financial obligations of any kind or  
 11 type that Defendant, Senior has ever incurred in the "true name," and identity of Plaintiff, DL,  
 12 belong to Defendant, Senior and Plaintiffs are NOT responsible for any portion of any obligations  
 13 that Defendant, Senior has incurred, as set forth herein and the creditors and credit reporting  
 14 agencies, must accurately report the obligations and/or adverse credit information under Defendant,  
 15 Senior's name only. Preliminary and Permanent Injunctions should issue to enjoin Defendant,  
 16 Senior, creditors, credit agencies, and others from reporting, publishing, declaring, and/or  
 17 disseminating any and all information relating to "true name" and identity of Plaintiff, DL relating  
 18 to Defendant, Senior's conducts.

19 54. Defendant, Senior's fraudulent conducts and identity theft of Plaintiff, DL, as set  
 20 forth herein, have caused harm to and a cloud of uncertainty over Plaintiffs, their businesses, their  
 21 private lives, that makes them in need of a declaration that any and all bankruptcy filings that were  
 22 ever filed by Defendant, Senior using "true name," and identity of Plaintiff, DL, belong to  
 23 Defendant, Senior and Plaintiffs are NOT responsible for any bankruptcy filing and clerks of the  
 24 bankruptcy courts should correct the records to reflect true identity of Defendant, Senior and  
 25 remove Plaintiff, DL's "true name" and identifying information, as well as ordering all credits and  
 26 credit reporting agencies to remove any and all bankruptcy filings that have been reported and  
 27 published against Plaintiffs. Preliminary and Permanent Injunctions should issue to enjoin  
 28 Defendant, Senior, creditors, credit agencies, and others from reporting, publishing, declaring,

1 and/or disseminating any information relating any of bankruptcy filing by Defendant, Senior.

2 55. In addition, a declaration that Plaintiff, DL has NO obligation to pay any of the  
3 demand, invoices and/or request for payments from any creditors who had extended credit and/or  
4 provided goods and services to Defendant, Senior, under the "true name" and identity of Plaintiff,  
5 DL. Preliminary and Permanent Injunctions should issue to enjoin Defendant, Senior, creditors,  
6 credit agencies, and others from ever granting or extending credit to Defendant, Senior, using "true  
7 name" and identity of Plaintiff DL.

8 56. In addition, a declaration that Defendant, Senior has violated Plaintiff's inalienable  
9 privacy rights, rights to their identifying information, personal and property rights granted under the  
10 United States and California Constitutions. Preliminary and Permanent Injunctions should issue to  
11 enjoin Defendant, Senior, creditors, credit agencies, and others from collecting any money that may  
12 be due from Defendant, Senior, using "true name" and identity of Plaintiff, DL.

### 13 14 15 **COUNT III – CONVERSION**

#### 16 **As to Defendant, Senior**

17  
18 57. Plaintiffs hereby incorporate by reference herein each and every allegation set forth  
19 in paragraphs 1 through 44 inclusive, as though fully set forth herein.

20 58. By virtue of Defendant, Senior's unauthorized use of "true name" and identity of  
21 Plaintiff, DL as set forth herein, Defendant, Senior is depriving Plaintiffs of their rightful possession  
22 and use of their personal properties and identify that belongs to Plaintiffs.

23 59. Due to the foregoing, Hammond is also depriving Plaintiffs of their rightful  
24 possession use of credit, use of electronic data that belongs to Plaintiffs, said data having been  
25 entrusted to Defendant, Senior as Plaintiff, DL's biological father.

26 60. Defendant, Senior does not have the consent of Plaintiffs to use Plaintiff, DL's credit  
27 and/or electronic data to possess and use the "true name" and personal identifying information of  
28 Plaintiff, DL.

1           61. Defendant, Senior has no colorable basis for claiming ownership or any other  
2           possessory interest or right in the "true name," personal identifying information of Plaintiff, DL,  
3           and electronic data that belong to Plaintiff, DL

4           62. Defendant, Senior's use of "true name," identifying information, and electronic data  
5           that belong to Plaintiff, DL, and his refusal to cease of desist the use of "true name" and identifying  
6           information, and electronic data that belong to Plaintiff, DL is without privilege or justification and  
7           is harming existing and prospective economic advantage, and preventing Plaintiffs from obtaining  
8           credit, purchasing a home, conducting business and others, and Defendant, Senior is exercising  
9           wrongful possession, custody and control over all such property.

10          63. Defendant, Senior's refusal to use of "true name," identifying information, and  
11          electronic data that belong to Plaintiff, DL, and his refusal to cease of desist the use of "true name"  
12          and identifying information, and electronic data that belong to Plaintiff, DL is without privilege or  
13          justification, causing damages and immediate, irreparable harm to Plaintiffs.

14          64. Defendant, Senior's refusal to use of "true name," identifying information, and  
15          electronic data that belong to Plaintiff, DL, and his refusal to cease of desist the use of "true name"  
16          and identifying information, and electronic data that belong to Plaintiff, DL is without privilege or  
17          justification, is unique and irreplaceable.. The value of such data is incalculable with precision,  
18          making a monetary award to Plaintiffs for such conversion insufficient by itself to remedy  
19          Defendant, Senior's tortious conduct, requiring preliminary and permanent injunctions.

## 22                   **COUNT IV – FRAUD, MISREPRESENTATION, AND CONCEALMENT**

### 23                           **As to Defendant, Senior**

24  
25          65. Plaintiffs hereby incorporate by reference herein each and every allegation set forth  
26          in paragraphs 1 through 52 inclusive, as though fully set forth herein.

27          66. Defendant, Senior owed a duty to Plaintiff, DL, to refrain from using "true name"  
28          and identifying information of Plaintiff, DL and present himself to the general public as Plaintiff,

DL.

67. Defendant, Senior concealed the use of “true name” and identifying informant of Plaintiff, DL, to file bankruptcy, obtain credit, obtain loan, obtain furniture loans, conduct business.

68. Plaintiffs were ignorant of Defendant, Senior’s use of “true name” and identifying information of Plaintiff, DL, to file bankruptcy, obtain credit, obtain loan, obtain furniture loans, conduct business.

69. Defendant, Senior actively concealed the use of “true name” and identifying informant of Plaintiff, DL, to file bankruptcy, obtain credit, obtain loan, obtain furniture loans, conduct business, to prevent Plaintiffs from discovery the fraudulent use of Plaintiff, DL’s “true name” and his identifying information.

70. In or about August of 2013, for the first Plaintiffs discovered that Defendant, Senior was using Plaintiff’s “true name” and all his identifying information without Plaintiffs’ knowledge, consent, and/or authorization.

71. As a result, immediate court’s intervention and issuance of a restraining order, Preliminary and Permanent injunctions are necessary to preserve and protect in further damage to Plaintiff, DL’s “true name” and his personal identification and to prevent further fraud on the general public by Defendant, Senior, which will cause irreplaceable injuries to Plaintiffs, creditors, claimants, and the general public.

72. As the direct and approximate cause of Defendant, Senior’s actions and omissions, Plaintiffs have sustained damages in excess of \$500,000 or according to proof at trial.

73. At all times mentioned herein, the wrongful acts, conduct and omissions of the Defendant, was willful, wanton, malicious, oppressive, and fraudulent and were done with the intent and design to injure Plaintiffs. Plaintiffs therefore, is entitled to punitive and exemplary damages against Defendant in an amount subject to proof at time of trial and sufficient to punish and make an example of Defendant pursuant to California Civil Code Section 3294.



**COUNT V – INTENTIONAL AND NEGLIGENCE INTERFERENCE WITH ECONOMIC  
ADVANTAGE**

**As to Defendants, Senior, and DOES 1-20**

74. Plaintiffs hereby incorporate by reference herein each and every allegation set forth in paragraphs 1 through 61 inclusive, as though fully set forth herein.

75. By virtue of Defendant, Senior's unauthorized use of "true name" and identity of Plaintiff, DL as set forth herein, Defendant, Senior is depriving Plaintiffs of their rightful possession and use of their personal properties and identify that belongs to Plaintiffs.

76. Due to the foregoing, Hammond is also depriving Plaintiffs of their rightful possession use of credit, use of electronic data that belongs to Plaintiffs, said data having been entrusted to Defendant, Senior as Plaintiff, DL's biological father.

77. Defendant, Senior does not have the consent of Plaintiffs to use Plaintiff, DL's credit and/or electronic data to possess and use the "true name" and personal identifying information of Plaintiff, DL.

78. Defendant, Senior has no colorable basis for claiming ownership or any other possessory interest or right in the "true name," personal identifying information of Plaintiff, DL, and electronic data that belong to Plaintiff, DL

79. Defendant, Senior's use of "true name," identifying information, and electronic data that belong to Plaintiff, DL, and his refusal to cease of desist the use of "true name" and identifying information, and electronic data that belong to Plaintiff, DL is without privilege or justification and is harming existing and prospective economic advantage, and preventing Plaintiffs from obtaining credit, purchasing a home, conducting business and others, and Defendant, Senior is exercising wrongful possession, custody and control over all such property.

80. Defendant, Senior's refusal to use of "true name," identifying information, and electronic data that belong to Plaintiff, DL, and his refusal to cease of desist the use of "true name" and identifying information, and electronic data that belong to Plaintiff, DL is without privilege or justification, causing damages and immediate, irreparable harm to Plaintiffs.

81. Defendant, Senior's refusal to use of "true name," identifying information, and electronic data that belong to Plaintiff, DL, and his refusal to cease of desist the use of "true name" and identifying information, and electronic data that belong to Plaintiff, DL is without privilege or justification, is unique and irreplaceable.. The value of such data is incalculable with precision, making a monetary award to Plaintiffs for such conversion insufficient by itself to remedy Defendant, Senior's tortious conduct, requiring preliminary and permanent injunctions.

**COUNT VI – VIOLATION OF FAIR CREDIT REPORTING ACT ("FCRA") 15 USC § 1681, et. sq.**

**As to Defendants, Senior, and DOES 1-20**

82. Plaintiffs hereby incorporate by reference herein each and every allegation set forth in paragraphs 1 through 69 inclusive, as though fully set forth herein.

83. Plaintiffs are "consumers" as defined by 15 USC § 1681a(c).

84. Defendants, DOES 1-20, are "Consumer Reporting Agencies" as defined by 15 USC § 1681a(d)(2)(f).

85. Defendant, Senior has engaged in "Identity Theft" of Plaintiff, DL's "true name" and personal identifying information as defined by 15 USC § 1681a(q)(3).

86. Plaintiffs have informed Defendants, alerted defendants and demanded defendants to cease and desist the use of Plaintiff, DL's "true name" and personal identifying information, to generate, negative and derogatory credit report.

87. Plaintiffs have complied with the requirements of Federal Credit Reporting Act, and demanded Defendants, to refrain from using and reporting Plaintiff, DL's "true name" and personal identifying information as information attributed to Defendant, Senior and cease and desist reporting, publishing, and disseminating the false and fraudulent negative credit information. Defendants and each of them has refused and continues to refuse to so act.

88. As a result, immediate court's intervention and issuance of a restraining order,

1 Preliminary and Permanent injunctions are necessary to preserve and protect in further damage to  
2 Plaintiff, DL's "true name" and his personal identification and to prevent further fraud on the  
3 general public by Defendant, Senior, which will cause irreplaceable injuries to Plaintiffs, creditors,  
4 claimants, and the general public.

5 89. As the direct and approximate cause of Defendant, Senior's actions and omissions,  
6 Plaintiffs have sustained damages in excess of \$500,000 or according to proof at trial.

7 90. At all times mentioned herein, the wrongful acts, conduct and omissions of the  
8 Defendants, were willful, wanton, malicious, oppressive, and fraudulent and were done with the  
9 intent and design to injure Plaintiffs. Plaintiffs therefore, is entitled to punitive and exemplary  
10 damages against Defendants in an amount subject to proof at time of trial and sufficient to punish  
11 and make an example of Defendants pursuant to 15 USC § 1681n(a)(2).

12  
13  
14 **COUNT VII – VIOLATION OF CALIFORNIA IDENTITY THEFT AND PRIVACY**  
15 **RIGHTS, STATUTES, CAL. CIV. CODE §§ 1798, et seq.; 1798.92, et. seq.; CAL. PEN.**  
16 **CODE § 530, et. seq.**

17 **As to Defendants, Senior, and DOES 1-20**

18  
19 91. Plaintiffs hereby incorporate by reference herein each and every allegation set forth  
20 in paragraphs 1 through 78 inclusive, as though fully set forth herein.

21 92. Plaintiffs are "Victim of Identity Theft" as defined by Cal. Civ. Code § 1798.92(d).

22 93. Defendants, DOES 1-20, are Consumer Reporting Agencies.

23 94. Defendant, Senior has engaged in "Identity Theft" of Plaintiff, DL's "Personal  
24 Identifying Information" as defined by Cal. Civ. Code §§ 1798.92(b) and (c).

25 95. Plaintiffs have informed Defendants, alerted defendants and demanded defendants to  
26 cease and desist the use of Plaintiff, DL's "true name" and personal identifying information, to  
27 generate, negative and derogatory credit report.

28 96. Plaintiffs have complied with the requirements of Federal Credit Reporting Act, and

1 demanded Defendants, to refrain from using and reporting Plaintiff, DL's "true name" and personal  
 2 identifying information as information attributed to Defendant, Senior and cease and desist  
 3 reporting, publishing, and disseminating the false and fraudulent negative credit information.  
 4 Defendants and each of them has refused and continues to refuse to so act.

5 97. As a result, immediate court's intervention and issuance of a restraining order,  
 6 Preliminary and Permanent injunctions are necessary to preserve and protect in further damage to  
 7 Plaintiff, DL's "true name" and his personal identification and to prevent further fraud on the  
 8 general public by Defendant, Senior, which will cause irreplaceable injuries to Plaintiffs, creditors,  
 9 claimants, and the general public.

10 98. As the direct and approximate cause of Defendant, Senior's actions and omissions,  
 11 Plaintiffs have sustained damages in excess of \$500,000 or according to proof at trial.

12 99. At all times mentioned herein, the wrongful acts, conduct and omissions of the  
 13 Defendants, were willful, wanton, malicious, oppressive, and fraudulent and were done with the  
 14 intent and design to injure Plaintiffs. Plaintiffs therefore, is entitled to punitive and exemplary  
 15 damages against Defendants in an amount subject to proof at time of trial and sufficient to punish  
 16 and make an example of Defendants pursuant to California Civil Code Section 3294.

#### 17 18 PRAYER FOR RELIEF

19 WHEREFORE, Plaintiff, DL and Holly respectfully pray that this Court find for Plaintiff,  
 20 DL and Holly on all Counts herein, enter judgment in their favor and against Defendant, Senior on  
 21 all Counts, and that the Court specifically:

- 22
- 23 A. Award Plaintiff, DL and Holly all damages that is in excess of \$500,000 or
  - 24 according to proof at trial;
  - 25 B. Award Plaintiff, DL and Holly restitution that is in excess of \$500,000 or according
  - 26 to proof at trial;
  - 27 C. Award Plaintiff, DL and Holly their attorney's fee and legal costs;
- 28



- 1 D. Award Plaintiff, DL and Holly their statutory attorney's fee and legal costs, as  
2 provided under FCRA, California Identity Theft and Privacy statutes;
- 3 E. Issue a declaratory judgment, preliminary, and permanent injunctions, forever  
4 enjoining Defendant, Senior from using "true name" and identifying information of  
5 Plaintiff, DL, his social security number, his date of birth, his employment history,  
6 his business relationship, his banking information, bank accounts, his former  
7 addresses, his credit information, and any other personal and private information in  
8 any way or form whatsoever;
- 9 F. Issue a declaratory judgment, preliminary, and permanent injunctions, forever  
10 enjoining Defendants, Senior, and DOES 1-20 from reporting any adverse credit  
11 information that was obtained by Defendant, Senior using the "true name" and  
12 identifying information of Plaintiff, DL, his social security number, his date of birth,  
13 his employment history, his business relationship, his banking information, bank  
14 accounts, his former addresses, his credit information, and any other personal and  
15 private information;
- 16 G. Issue a declaratory judgment, preliminary, and permanent injunctions, declaring that  
17 Plaintiff, DL has NO obligation to pay any of the demand, invoices and/or request for  
18 payments from any creditors who had extended credit and/or provided goods and  
19 services to Defendant, Senior, under the "true name" and identity of Plaintiff, DL.  
20 Preliminary and Permanent Injunctions should issue to enjoin Defendant, Senior,  
21 creditors, credit agencies, and others from ever granting or extending credit to  
22 Defendant, Senior, using "true name" and identity of Plaintiff DL.
- 23 H. Issue a declaratory judgment, preliminary, and permanent injunctions, declaring that  
24 Defendant, Senior has violated Plaintiff's inalienable privacy rights, rights to their  
25 identifying information, personal and property rights granted under the United States  
26 and California Constitutions. Preliminary and Permanent Injunctions should issue to  
27 enjoin Defendant, Senior, creditors, credit agencies, and others from collecting any  
28

1 money that may be due from Defendant, Senior, using "true name" and identity of  
2 Plaintiff, DL.

3 I. Issue a declaratory judgment, preliminary, and permanent, injunction, declaration  
4 that the criminal judgment entered on January 9, 2015, and signed on January 14,  
5 2015, is against Defendant, Dewayne Keith Long, Sr., and that any and all  
6 confinements, restitutions, fees, penalties due and payable under the criminal  
7 judgment is/are due and payable and obligations of Defendant, Dewayne Keith  
8 Long, Sr., that any and all records reflecting the name Dewayne Keith Long, in the  
9 Criminal Action, be corrected to reflect Defendant, Dewayne Keith Long, Sr., and  
10 his true name.

11 J. Issue a declaratory judgment, preliminary, and permanent injunction, declaration,  
12 that Defendant, Senior has reported and represented to various reporting agencies  
13 that the name "Dewayne Keith Long, Sr." as a deceased person. There should be a  
14 declaratory relief, declaring, "Dewayne Keith Long, Sr." as alive and Defendant,  
15 Senior be required to use his true name of "Dewayne Keith Long, Sr." for the  
16 remainder of his actual life.

17 K. Award to Plaintiffs their costs, disbursements, restitutions, and attorney's fees as  
18 provided under California Identity Theft and Privacy rights' statute, Cal. Civ. Code  
19 §§ 1798, et. set., 1798.92, et. seq., Cal. Pen. Code § 530, Fair Credit Reporting Act,  
20 15 U.S.C. § 1681, et. seq.; Cal. Civ. Code §1798.93;

21 L. Award to Plaintiffs their actual damages that is believed to be in excess of \$500,000,  
22 or according to proof as set forth under 15 USC § 1681n(a)(1) (A) and (B); 15 USC  
23 § 1681o(a);

24 M. Award Plaintiffs their actual attorney's fees as set forth under 15 USC §§  
25 1681n(a)(1)(C) , (a)(3), and (c); 15 USC § 1681o(b); Cal. Civ. Code § 1798.93(c)(5)

26 N. Award to Plaintiffs Civil Penalty as set forth under 15 USC § 1681n(b); Cal. Civ.  
27 Code §1798.93(c)(6);  
28

- 1 O. Award to Plaintiffs all damages and injunctive relief pursuant to Cal. Civ. Code §  
2 1798.93;  
3 P. Award to Plaintiffs punitive damages as set forth under 15 USC § 1681n(a)(2);  
4 Q. Award to Plaintiffs exemplary and punitive damages;  
5 R. Award such other and further relief as the Court deems just and proper; and  
6 S. Plaintiffs demand jury trial.  
7

8 Respectfully Submitted.  
9

10 LAW OFFICES OF ROGER E. NAGHASH

11  
12 Dated this 25<sup>th</sup> day of June 2015  
13

14 By: 

15 Roger E. Naghash, Esq.  
16 Attorney for Plaintiffs  
17 DEWAYNE KEITH LONG, JR., and  
18 HOLLY L. LONG  
19  
20  
21  
22  
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24  
25  
26  
27  
28

Law Offices Of Roger E. Naghash  
19900 MacArthur Boulevard, Suite 1150  
Irvine, California 92612-8433  
Telephone (714) 955-1000

***Exhibit A***



8:13-cr-00347-JFB-FG3 Doc # 85 Filed: 01/14/15 Page 1 of 6 - Page ID # 318

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA

Plaintiff,

vs.

DEWAYNE K. LONG

Defendant.

CASE NUMBER: 8:13CR347-002

USM Number: 03942-030

CLARENCE E. MOCK  
DEFENDANT'S ATTORNEY

JUDGMENT IN A CRIMINAL CASE  
(For Offenses Committed On or After November 1, 1987)

THE DEFENDANT pleaded guilty to count I of the Indictment on October 9, 2014.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense:

<u>Title, Section &amp; Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number</u>
18:286 - CONSPIRACY TO DEFRAUD GOVERNMENT	March 20, 2010	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Counts II through X of the Indictment are dismissed on the motion of the United States as to this defendant only.

Following the imposition of sentence, the Court advised the defendant of the right to appeal pursuant to the provisions of Fed. R. Crim. P. 32 and the provisions of 18 U.S.C. § 3742 (a) and that such Notice of Appeal must be filed with the Clerk of this Court within fourteen (14) days of this date pursuant to Fed. R. App. P. 4.

The defendant shall cooperate in the collection of DNA, pursuant to Public Law 108-405 (Revised DNA Collection Requirements under the Justice for All Act of 2004).

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence:  
January 09, 2015

s/ Joseph F. Bataillon  
Senior United States District Judge

January 14, 2015

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Defendant: DEWAYNE K. LONG  
Case Number: 8:13CR347-002

Page 2 of 6

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of twelve (12) months and one (1) day.

The Court makes the following recommendations to the Bureau of Prisons:

1. That the defendant be incarcerated in a federal facility as close to Omaha, NE as possible. The court suggests FPC Yankton, SD.

(X) The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons, as notified by the United States Marshal.

### ACKNOWLEDGMENT OF RECEIPT

I hereby acknowledge receipt of a copy of this judgment this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Defendant

### RETURN

It is hereby acknowledged that the defendant was delivered on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES WARDEN

BY: \_\_\_\_\_

**NOTE:** The following certificate must also be completed if the defendant has not signed the Acknowledgment of Receipt, above.

### CERTIFICATE

It is hereby certified that a copy of this judgment was served upon the defendant this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
UNITED STATES WARDEN

BY: \_\_\_\_\_

Mar. 2, 2015 1:53PM

No. 0264 P. 4/11

B:13-cr-00347-JFB-FG3 Doc # 86 Filed: 01/14/15 Page 3 of 6 - Page ID # 320

Defendant: DEWAYNE K. LONG  
Case Number: 8:13CR347-002

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**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

**STANDARD CONDITIONS OF SUPERVISION**

1. The defendant shall not leave the judicial district without the permission of the court or probation officer;
2. The defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer.
3. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4. The defendant shall support his or her dependents and meet other family responsibilities;
5. The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
6. The defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
7. The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
8. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9. The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
10. The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
11. The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;

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Defendant: DEWAYNE K. LONG  
Case Number: 8:13CR347-002

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12. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
13. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

#### **SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant shall cooperate in the collection of DNA as directed by the probation officer, pursuant to 28 C.F.R. § 28.12, the DNA Fingerprint Act of 2005, and the Adam Walsh Child Protection and Safety Act of 2006, if such sample was not collected during imprisonment.
2. The defendant shall complete 150 hours of community service as approved and directed by the probation officer. The defendant shall be responsible for providing the probation officer with written proof of the number of hours completed.
3. The defendant shall pay restitution in the amount of \$920,954.00 to the Clerk of the U.S. District Court, 111 S. 18th Plaza, Suite 1152, Omaha, Nebraska 68102-1322. Restitution shall be paid in accordance with the schedule set forth in the "Schedule of Payments" set forth in this judgment. The defendant shall be responsible for providing proof of payment to the probation officer as directed.
4. The defendant is prohibited from incurring new credit charges or opening additional lines of credit without prior written approval of the probation officer.
5. The defendant shall provide the probation officer with access to any requested financial information.
6. The defendant shall submit his or her person, residence, office, or vehicle to a search conducted by a United States Probation Officer at any time; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
7. The requirement of 18 U.S.C. § 3583(d) regarding drug testing within fifteen (15) days of release on supervised release and at least two (2) periodic drug tests thereafter, is suspended until further order of the Court because the Presentence Investigation Report on the defendant and other reliable sentencing information indicates a low risk of future substance abuse by the defendant.
8. The defendant shall report to the Supervision Unit of the U.S. Probation Office for the District of Nebraska between the hours of 8:00 a.m. and 4:30 p.m., 111 South 18th Plaza, Suite C79, Omaha, Nebraska, (402) 661-7555, within seventy-two (72) hours of being placed on probation or release from confinement and, thereafter, as directed by the probation officer.

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Defendant: DEWAYNE K. LONG  
 Case Number: 8:13CR347-002

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### CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth in this judgment.

<u>Total Assessment</u>	<u>Total Fine</u>	<u>Total Restitution</u>
\$100.00		\$920,954.00

### FINE

No fine imposed.

### RESTITUTION

Restitution in the amount of \$920,954.00 hereby ordered. The defendant shall make restitution to the following payees in the amounts listed below. The defendant is jointly and severally liable for IRS loss with co-defendant Leslie A. Schulz in case 8:13cr347 and with Melanie Ferrelra under Southern District of New York Docket No. 7:13CR513.

<u>Name of Payee</u>	<u>Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
Internal Revenue Services	440,924.00	440,924.00	
Sally Schueren	100,000.00	100,000.00	
Dr. Ross Dies	300,000.00	300,000.00	
David Dies	80,030.00	80,030.00	
Totals	\$920,954.00	\$920,954.00	

\*\*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

The Court gives notice that this case involves other defendants who may be held jointly and severally liable for payment of all or part of the restitution ordered herein and may order such payment in the future.

### SCHEDULE OF PAYMENTS

The defendant shall pay the special assessment in the amount of \$100.00 immediately.

The criminal monetary penalty is due in full on the date of the judgment. The defendant is obligated to pay said sum immediately if he or she has the capacity to do so. The United States of America may institute civil collection proceedings at any time to satisfy all or any portion of the criminal monetary penalty.

Without limiting the foregoing, and during the defendant's term of incarceration, the defendant shall participate in the Bureau of Prisons' Financial Inmate Responsibility Program. Using such



Mar. 2. 2015 1:54PM

No. 0264 - P. 7/11

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Defendant: DEWAYNE K. LONG  
Case Number: 8:13CR347-002

Page 6 of 8

Program, the defendant shall pay 50% of the available inmate institutional funds per quarter towards the criminal monetary penalty.

Without limiting the foregoing, and following release from prison, the defendant shall make payments to satisfy the criminal monetary penalty in the following manner: (a) monthly installments of \$100 or 3% of the defendant's gross income, whichever is greater; (b) the first payment shall commence 30 days following the defendant's discharge from incarceration, and continue until the criminal monetary penalty is paid in full; and (c) the defendant shall be responsible for providing proof of payment to the probation officer as directed.

Any payments made on the outstanding criminal monetary penalty shall be applied in the following order of priority: special assessment; restitution; fine; and other penalties. Unless otherwise specifically ordered, all criminal monetary penalty payments, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, shall be made to the clerk of the Court. Unless otherwise specifically ordered, interest shall not accrue on the criminal monetary penalty.

All financial penalty payments are to be made to the Clerk of the U. S. District Court, 111 S. 18th Plaza, Suite 1152, Omaha, NE 68102-1322.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

The defendant shall inform the probation officer of any change in his or her economic circumstances affecting the ability to make monthly installments, or increase the monthly payment amount, as ordered by the court.

The defendant is restrained from transferring any real or personal property, unless it is necessary to liquidate and apply the proceeds of such property as full or partial payment of the criminal monetary penalty.

Restitution for the IRS loss is hereby ordered jointly and severally with: Leslie Schulz, Case Number 8:13cr347, and Melanie Ferrelra, under Southern District of New York Docket No. 7:13CR513 in the amount of \$440,924.00.

---

CLERK'S OFFICE USE ONLY:

ECF DOCUMENT

I hereby attest and certify this is a printed copy of a document which was electronically filed with the United States District Court for the District of Nebraska.

Date Filed: \_\_\_\_\_

DENISE M. LUCKS, CLERK

By \_\_\_\_\_ Deputy Clerk

JS 44 (Rev. 12/12)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

DEWAYNE KEITH LONG, JR., HOLLY L. LONG,

## DEFENDANTS

DEWAYNE KEITH LONG, SR.

(b) County of Residence of First Listed Plaintiff Orange, California  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Omaha, Nebraska  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Law Offices Of Roger E. Naghash  
19900 MacArthur Blvd., Suite 1150  
Irvine, California 92612-8433 - (949) 955-1000

Attorneys (If Known)  
Dewayne Keith Long, Sr. - In pro per  
4726 N. 167th Avenue  
Omaha, Nebraska 68116

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1            | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2            | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from Another District (specify)  
☐ 6 Multidistrict Litigation

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
15 U.S.C. §1681; 28 U.S.C. §1331; 28 U.S.C. §2201; 28 U.S.C. §1332; 28 U.S.C. §1367(a)

Brief description of cause:

Father in position of trust has assumed his son's identity and incurred civil and criminal liabilities.

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$  
500,000.00

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Hon. Joseph E. Battillon, Senior US D J DOCKET NUMBER 8:13-CR-347-002

DATE  
07/01/2015

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

RECEIVED  
JUL 6 - 2015

CLERK  
U.S. DISTRICT COURT  
OMAHA